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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,353	07/02/2004	Connie Gurley	45550.0200	4352

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EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
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3618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/710,353

Applicant(s)

GURLEY ET AL.

Examiner

Frank Vanaman

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 12, 14-19 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) 23-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9, 11, 12, 14-19, 21, 22, 26, 27 is/are rejected.
- 7) ☒ Claim(s) 6 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Feb 13, 2007 has been entered.

Status of Claims

2. Claims 1-9, 11, 12, 14-19, and 21-27 are pending. Claims 10, 13 and 20 have been canceled; claims 23-25 are withdrawn from consideration.

Claim Objections

3. Claim 9 is objected to because of the following informalities: Claim 9 appears to duplicate the limitations of claim 2 (both claims depending from claim 1 and reciting the same material). It appears as though one of these claims should be canceled, or the dependency of one claim should be changed. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. Claim 22 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 22 refers to the liner material as comprising a printable material, however claim 16 recites that the liner comprises indicia printed on the liner. As such, while claim 16 fails to explicitly recite the liner as being comprised of a printable material, the recitation of printed indicia implies a printable material. As such it is not clear whether claim 22 further limits the claim from which it depends.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 3618

6. Claims 16, 18, 19, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landine (US 6,517,155, cited previously) in view of Groglio (US 5,649,718, also cited previously). Landine teaches a liner device usable with a shopping cart (figure 3) having a front, back and pair of sides (40, 40T) as well as a handle (42) and child seating area (proximate 44) positioned adjacent the basket, the liner device being made from a printable non-padded paper (col. 2, lines 52-54) and including a further plastic material coating which renders the liner non-porous), the liner further including at least a tab (35, 37, 38, 39) for connecting the liner with the cart. The reference to Landine fails to teach the provision of a further portion of the liner which engages the cart basket front, rear and sides, and includes a handle, being further convertible to a carrier. Groglio teaches that it is well known to provide a shopping cart having a basket (which cart may additionally accommodate seating for a passenger) with a further attachable liner (40 in general) which engages front, rear, lateral and bottom sides of a cart, the liner being made from a non-padded material, having a handle (42) and being arranged to operate as a carrier (see col. 9, lines 27-33). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the liner arrangement of Landine with a further portion in communication therewith, which further lines the front, rear and lateral sides of the cart, as suggested by Groglio, for the purpose of ensuring more complete coverage of the cart structure than may be had with the liner arrangement taught by Landine. As regards the material taught by the further basket-lining portions (i.e., in Groglio), in view of the well known advantage of non-porous materials (i.e., prevention of liquid exchange), it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the material of the liner taught by Groglio from the same non-porous material as taught by Landine, for the purpose of preventing liquid spills, for example when the liner is used as a container or carrier.

The reference to Landine as modified by Groglio fails to explicitly teach the provision of an advertisement on the material of the liner, in that the material is intended for use in a public space (e.g., shopping market) and inasmuch as it is very well known to place advertising indicia on items viewable in public, it would have been obvious to

Art Unit: 3618

one of ordinary skill in the art at the time of the invention to provide advertising indicia on the liner device for the purpose of promoting a chosen article or service.

7. Claims 1, 2, 5, 7, 9, 11, 12, 14, 15, 17, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landine in view of Groglio and Aprile (US 6,237,998, cited previously). The references to Landine and Groglio are discussed above, and fail to teach the modified liner as further including a handle liner element. Aprile teaches that it is well known to provide a seating liner with a further portion (22) which covers a handle (14) of a shopping cart. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the liner of Landine as modified by Groglio with a handle-covering portion as taught by Aprile, from the material taught by Landine, for the purpose of preventing a child from touching the cart handle, facilitating a reduced transfer of germs and/or contaminants.

As regards claim 7, the reference to Landine as modified by Groglio and Aprile fails to explicitly teach a tab for connecting the handle liner to the cart. It is well known to duplicate an already taught element for the purpose of enhancing the function or multiplying the effect of the element, and in view of Landine teaching the use of a tab (see 35, 37, 38, 39) for connecting the seating area liner portions to a cart, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide at least one further tab portion of the same structure for connecting the handle liner portion to the cart, for the purpose of providing a more secure connection of the liner portions and cart.

As regards claim 27, the reference to Landine as modified by Groglio and Aprile fails to explicitly teach the provision of an advertisement on the material of the liner, in that the material is intended for use in a public space (e.g., shopping market) and inasmuch as it is very well known to place advertising indicia on items viewable in public, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide advertising indicia on the liner device for the purpose of promoting a chosen article or service.

Art Unit: 3618

8. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landine in view of Groglio, Aprile and Ostrowski (US 4,991,978). The reference to Landine as modified by Groglio and Aprile is discussed above and fails to teach the liner as including a drawstring with a drawstring fastener. Ostrowski teaches a combination device which may be used open or closed up to form a carrier bag, being provided with a drawstring (18) and a fastener (20) for closing the device when used as a carrier (figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the system taught by Landine as modified by Groglio and Aprile with a drawstring and fastener closure (in place, for example, of the zipper fastener), as taught by Ostrowski, for the purpose of allowing the system to be closed quickly, and additionally to prevent snagging of clothing or other items when the carrier system is being closed for use as a carrier.

Allowable Subject Matter

9. Claims 6 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Comments

10. Applicant's comments, filed with the amendment and request for continued examination, have been carefully considered. Applicant has argued that the reference to Rogers, as previously applied in combination with the reference to Groglio, fails to teach wall the limitations of the claims as now written. The examiner agrees. Note the reference to Landine, cited previously, and applied in combination with the previously cited references to Groglio and Aprile.

Conclusion

11. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Art Unit: 3618

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
Art Unit 3618



Handwritten signature of F. Vanaman, dated 1/17/07.